

## **EXHIBIT I**

Certified copy of Chronological Case Summary of  
*Lana R. Canen v. State of Indiana*, Elkhart Circuit Court,  
Cause No. 20C01-0908-PC-00018

## CASE NO. 20C01-0908-PC-00018

Lana R Canen V State Of Ind

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§Location: Elkhart Circuit Court  
Judicial Officer: Shewmaker, Terry C  
Filed on: 08/27/2009  
Original County Cause Number: C109PC18

## CASE INFORMATION

## Related Cases

20C01-0409-MR-00118 (Other)

Case Type: PC - Post Conviction Relief Petition

## Statistical Closures

10/12/2012 Bench Disposition

Case Status: 10/12/2012 Decided

## DATE

## CASE ASSIGNMENT

## Current Case Assignment

Case Number 20C01-0908-PC-00018  
Court Elkhart Circuit Court  
Date Assigned 08/27/2009  
Judicial Officer Shewmaker, Terry C

## PARTY INFORMATION

## Petitioner

Canen #152256, Lana Rae  
Rockville Correctional Fac  
811 W 50 N  
Rockville, IN 47872

## Attorneys

Wieneke, Cara Schaefer  
Retained  
317-839-0536(F)  
317-331-8293(W)  
Wieneke Law Office, LLC  
PO Box 188  
Plainfield, IN 46168  
Wieneke, Joel Craig  
Retained  
317-839-0536(F)  
317-718-7187(W)  
P O BOX 188  
PLAINFIELD, IN 46168

## Respondent

State of Indiana

Pitzer, Donald Elden  
Retained  
574-296-1888(W)  
Office of the Prosecuting  
Attorney  
301 S Main St, Suite 100  
Elkhart, IN 46516

## DATE

## EVENTS &amp; ORDERS OF THE COURT

## INDEX

08/27/2009	Converted Event docket level comment: CJ (C104MR118)
09/01/2009	Converted Event Deft as a self-represented litigant, files Post-Conviction Relief Petition together w/Affidavit of Indigency; Clerk to forward a copy of said filing to all. Court now appoints the State PD to represent the Deft on her PCR. Court sets this matter for telephonic status conf Dec. 17, 2009 at 1:15 p.m. (COPY) cj (ALSO SEE C104MR118) 9-1-09 SEE C104MR118 FOR ENTRY (RJO? N)   JTS Minute Entry Date: 2009-08-27
03/22/2010	Converted Event State PD files Motion to Withdraw Appearance and Notice of Appointment of Outside Counsel.

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	<i>Motion granted; the appearance of J. Jeffreys Merryman is withdrawn and Cara Schaefer Wieneke is appt'd as outside counsel, per ORDER. The expense of said appointment will be borne by the Office of the State PD. (COPY) cj DISPOSED (RJO? N)   JTS Minute Entry Date: 2010-03-22</i>
10/25/2010	<p>Converted Event</p> <p><i>Def't/Petitioner, by counsel, files Petitioner's Second Motion for Continuance w/proposed form of Order and Motion to Reserve Evidence w/proposed form of Order. (COPY) cj ----- 10/25/2010 State of Indiana having no objection to either Motion, the Court now grants Petitioner's Second Motion for Continuance. Hrg on PCR Petition scheduled for Dec. 16, 2010 is cont'd and reset to June 30, 2011 at 1:30 p.m. Shf to transport Def't, per ORDER. Court now vacates TO previously issued Apr. 9, 2010. Court also grants Petitioner's Motion to Preserve Evidence, per ORDER. (ORDER/COPY) cj (RJO? N)   JTS Minute Entry Date: 2010-10-20</i></p>
12/13/2010	<p>Converted Event</p> <p><i>Def't/Petitioner, by counsel, files Motion to Compel Production of Client's File. The Court now sets this matter for hrg Dec. 20, 2010 at 2:45 p.m. cj (RJO? N)   JTS Minute Entry Date: 2010-12-10</i></p>
02/14/2011	<p>Converted Event</p> <p><i>Def't/Petitioner, by counsel, files Petitioner's Motion for Discovery together w/copy proposed form of Order. After reviewing the record in this matter and the filings, the Court now indicates it will grant said Motion in the absence of objection by any party or counsel of record w/in 10 days of receipt of this entry. cj (RJO? N)   JTS Minute Entry Date: 2011-02-14</i></p>
03/15/2011	<p>Converted Event</p> <p><i>DATE FILED: 03/14/2011 - State, by DPA Francisco, files State's Verified Objectioni to Petitioner's Motion for Discovery. (COPY) cm (RJO? N)   JTS Minute Entry Date: 2011-03-15</i></p>
03/22/2011	<p>Converted Event</p> <p><i>Court being advised that neither counsel received the Court's entry of Feb. 14, 2011, the Court now vacates its ORDER entered Feb. 14, 2011 granting Petitioner's Motion for Discovery. The Court on its own motion sets this matter for telephonic status conf Apr. 14, 2011 at 1:15 p.m. cj (RJO? N)   JTS Minute Entry Date: 2011-03-22</i></p>
04/14/2011	<p>Converted Event</p> <p><i>State of Indiana appears by DPA David L. Francisco. Def't appears by Cara Schaefer Wieneke, his atty, via telephone. Status conf held re: Def't/Petitioner's Motion for Discovery. Arguments of counsel are heard. Before granting any relief to Atty Wieneke, the Court will require her to exhaust investigative efforts with the PD Office to determine if in fact there was any investigative work done w/respect to finger prints. If it is determined there was no such work done by the PD Office, then over the objection of DPA Francisco the Court will permit Atty Wieneke to conduct scientific examination related to finger prints in a manner the parties can agree upon. With respect to the other evidence sought by Atty Wieneke, she has acquired it through other sources and DPA Francisco is prepared to deliver the same to Atty Wieneke, however, it is not necessary to do so. cj (RJO? N)   JTS Minute Entry Date: 2011-04-14</i></p>
05/06/2011	<p>Converted Event</p> <p><i>DATE FILED: May 5, 2011 - Def't/Petitioner, by counsel, files Notice to the Court and Renewed Motion for Discovery together w/proposed form of Order. The Court now sets this matter for hrg June 2, 2011 at 1:15 p.m. Court indicates it will permit telephonic participation. cj (RJO? N)   JTS Minute Entry Date: 2011-05-06</i></p>
06/06/2011	<p>Converted Event</p> <p><i>HEARING HELD: June 2, 2011 - State of Indiana appears by DPA David L. Francisco. Def't appears by Cara Schaefer Wieneke, his atty. Cause comes on for status conf; Court determines matters are contested. Cause set for contested hrg on the discovery matters discussed this date will be the subject of the next scheduled hrg June 30, 2011 at 1:30 p.m. Hrg on PCR Petition is reset to Nov. 17, 2011 at 8:30 a.m. Shf to transport Def't, per ORDER. (ORDER/COPY) cj (RJO? N)   JTS Minute Entry Date: 2011-06-06</i></p>
06/29/2011	<p>Converted Event</p> <p><i>DATE FILED: June 23, 2011 - Def't/Petitioner, by counsel, files Petitioner's Motion for Continuance of Contested Discovery Hearing together w/proposed form of Order. (COPY) cj -</i></p>



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----- COURT ACTION: June 27, 2011 - State of Indiana having no objection to the Petitioner's Motion for Continuance the Court now grants said Motion; contested hrg scheduled for June 30, 2011 is cont'd and reset to Nov. 17, 2011 at 1:30 p.m., to be held in conjunction w/PCR hrg scheduled on said date. cj (RJO? N) | JTS Minute Entry Date: 2011-06-29

07/11/2011 Converted Event  
Def/Petitioner, by counsel, files courtesy copy of two Notices of Deposition. cj (RJO? N) | JTS Minute Entry Date: 2011-07-11

08/29/2011 Converted Event  
Def/Petitioner, by counsel, files Notice of Deposition. (COPY) cj (RJO? N) | JTS Minute Entry Date: 2011-08-29

12/23/2011 Converted Event  
HEARING HELD: December 22, 2011 - State of Indiana appears by DPA David L. Francisco. Deft appears by Cara Schaefer Wieneke, her atty, via telephone. Atty Wieneke will be filing a request to amend PCR Petition; said motion will be granted w/o objection. The present hrg on this matter, if any, is rescheduled to Aug. 16, 2012 at 1:30 p.m.; Shf to transport Deft, per ORDER. Cause set for telephonic status conf May 17, 2012 at 1:30 p.m. cj (RJO? N) | JTS Minute Entry Date: 2011-12-23

01/25/2012 Converted Event  
Def/Petitioner, by counsel, files Petitioner's Motion to Take Videotaped Deposition in Lieu of Live Testimony together w/proposed form of Order. The Court now indicates it will grant said Motion in the absence of objection by any party or counsel of record w/in 10 days of receipt of this entry. cj (RJO? N) | JTS Minute Entry Date: 2012-01-25

02/22/2012 Converted Event  
FILING RECEIVED: February 16, 2012 - Def/Petitioner, by counsel, files Petitioner's Reply to State's Objection to Petitioner's Motion to Take Videotaped Deposition in Lieu of Live Testimony; said pleading having been filed by cert mail, rrr, is deemed filed Feb. 14, 2012 (date of mailing). cj ----- COURT ACTION: February 21, 2012 - After reviewing the record herein and the Def/Petitioner's filing of Feb. 16, 2012, the Court notes the State of Indiana filed its Opposition to Petitioner's Motion to Take Videotaped Deposition in Lieu of Live Testimony of witness, Nina Porter. The Court denies the Def/Petitioner's request at this time w/respect to the videotaped deposition and resets arguments on the matter from counsel at the May 17, 2012 telephonic status conf. cj (RJO? N) | JTS Minute Entry Date: 2012-02-22

03/19/2012 Converted Event  
Def/Petitioner, by counsel, files Notice of Deposition. cj (RJO? N) | JTS Minute Entry Date: 2012-03-19

05/21/2012 Converted Event  
HEARING HELD: May 17, 2012 - State of Indiana in court by DPA David L. Francisco. Deft in court by Cara Schaefer Wieneke, State DPD, via telephone. Cause coming on for status conf; cause reset for add'l status conf Aug. 2, 2012 at 1:15 p.m. Counsel are directed to determine whether or not the Indiana State Police will participate in the re-testing being requested. cj (RJO? N) | JTS Minute Entry Date: 2012-05-21

07/26/2012 Converted Event  
DATE FILED: July 26, 2012 - Def/Petitioner, by counsel, files Petitioner's Witness and Exhibit List for PCR Evidentiary Hearing. cj (RJO? N) | JTS Minute Entry Date: 2012-07-26

08/08/2012 Converted Event  
COURT ACTION: August 2, 2012 - State of Indiana appears by DPAs David L. Francisco and Don E. Pitzer, II. Deft appears by Cara Schaefer Wieneke, her atty. Status conf held; all remaining issues are set for contested hrg Aug. 16, 2012 at 1:30 p.m. cj (RJO? N) | JTS Minute Entry Date: 2012-08-08

08/27/2012 Converted Event  
DATE FILED: August 23, 2012 - Def/Petitioner, by counsel, Cara Schaefer Wieneke, Spacial Assistant to the State Public Defender, files via FAX, Petitioner's Verified Notice to the Court and Request for Immediate Ruling on Petition for Post-Conviction Relief and Release from

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*Incarceration together w/proposed form of Order. cj ----- COURT ACTION: August 24, 2012 - After reviewing the filing of Aug. 23, 2012, the Court notes it already has this matter under advisement and will rule in a prompt fashion. The Court further notes that the proposed Order submitted by Atty Wieneke purports to request that the PCR Petition be granted w/o further hrg and the Deft/Petitioner's conviction for murder in this cause reversed. Court further notes the proposed Order purports to order that the Deft/Petitioner be released from incarceration. The Court notes the original offense was the offense of murder for which there is no bond. If the Court grants the PCR Petition, the Deft/Petitioner would have her conviction overturned and be returned to the Elkhart County Jail and be held without bond until her re-trial in this action. Accordingly, the Court declines to order her immediate release from the IDOC at this time since the Court has this matter under advisement and will issue a prompt ruling. The Court directs that the State of Indiana respond in writing to the Deft/Petitioner's Verified Notice to the Court and Request for Immediate Ruling on Petition for Post-Conviction Relief and Release from Incarceration if they wish to do so. cj (RJO? N) | JTS Minute Entry Date: 2012-08-27*

08/27/2012      **Converted Event**  
*DATE FILED: August 27, 2012 - Court notes receipt of original Petitioner's Verified Notice to the Court and Request for Immediate Ruling on Petition for Post-Conviction Relief and Release from Incarceration together w/proposed form of Order which were previously filed by FAX on Aug. 23, 2012. cj (RJO? N) | JTS Minute Entry Date: 2012-08-27*

09/21/2012      **Response Filed**  
 File Stamp: 09/20/2012  
*State of Indiana by DPA David L. Francisco, files State's Response to Petitioner's Request for Immediate Ruling on Petition for Post-Conviction Relief and Release from Incarceration. (COPY) cj*

09/25/2012      **Appearance Filed**  
 File Stamp: 09/24/2012  
 For Party: Petitioner Canen #152256, Lana Rae  
*Joel C. Wieneke enters his Appearance on behalf of the Petitioner. (COPY) cm*

10/12/2012      **Order Issued (Judicial Officer: Shewmaker, Terry C )**  
 Order Signed: 10/12/2012  
*Court having taken this matter under advisement now issues ORDER. Petitioner's Amended Petition for Post Conviction Relief is hereby granted; Petitioner's conviction for Murder, a Felony, is vacated. Petitioner is to be returned to the Elkhart County Correctional Complex and held with no bond. Cause set for telephonic status conf Oct. 25, 2012 at 1:20 p.m. Trial scheduled for Dec. 17, 2012 at 8:30 a.m. cj*

10/12/2012      **Final Judgment entered (Judicial Officer: Shewmaker, Terry C)**  
 Comment (PCR Petition granted)

## CLERK'S CERTIFICATE

STATE OF INDIANA,

SS:

ELKHART COUNTY,

I, **Wendy Hudson**, Clerk of the Elkhart **Circuit** Court within and for the

County of Elkhart and State of Indiana, the same being a Court of Record, having a Seal, do hereby certify that the  
above and foregoing is a full, true and complete and correct copy of the

### CHRONOLOGICAL CASE SUMMARY

**4 Pages**

Entries from 08/27/2009 thru 10/12/2012

IN RE THE

STATE OF INDIANA

VS

LANA R. CANEN

**CAUSE # 20C01-0908-PC-00018**

As the same remains on file and appears of record in said Court, and of which files and records I am the legal  
custodian.

In WITNESS WHEREOF, I have  
hereunto set My hand and affixed the  
Seal of said Court the city of **Goshen**,  
Indiana, this **23rd Day of October, 2014**.

  
Clerk Elkhart Circuit Court *W.H.*